

## CHAPTER Eng 300 LICENSURE REQUIREMENTS

### PART Eng 301 DEFINITIONS

Eng 301.01 Terms Used. As used in these rules, the following terms have the meanings indicated:

- (a) “Accreditation Board for Engineering and Technology (ABET)” means the organization primarily responsible for monitoring, evaluating, and certifying the quality of engineering, engineering technology, and engineering-related education in colleges and universities in the United States.
- (b) “Applicant” means a candidate on whose behalf an application has been filed.
- (c) “Bachelor of science in an ABET accredited engineering curriculum” means a curriculum accredited by the Engineering Accreditation Commission (EAC) of the ABET leading to a Baccalaureate Degree in Engineering.
- (d) “Bachelor of science in an Technology Accreditation Commission (TAC) accredited engineering technology curriculum” means a curriculum of 4 or more years accredited by the TAC of the ABET leading to a degree in engineering technology.
- (e) “National Council of Examiners for Engineering and Surveying (NCEES)” means the service provider, which verifies and maintains a permanent collection of original source documentation of engineer’s educational, examination and identification documents.
- (f) “Non-ABET accredited engineering or related science curriculum” means a curriculum of 4 or more years, of physics, math, chemistry and engineering technology which contains engineering or scientific principles not accredited by ABET.
- (g) “Temporary permit” means a temporary license, issued for a period not exceeding 6 months in any one calendar year, issued pursuant to RSA 310:A-19, III.
- (h) “Verification” means a document received directly from a state licensing authority which verifies whether or not a person has ever been granted a license by that state, the dates during which the license was valid and whether the licensing authority has ever taken disciplinary action against that license.

### PART Eng 302 APPLICATION REQUIREMENTS AND APPLICATION/EXAMINATION/ LICENSURE FEES

#### Eng 302.01 Application Process.

- (a) A person wishing to become licensed as a professional engineer shall submit an application form provided by the board containing the information specified in Eng 302.02, including the application fee specified in Eng 302.04.

(b) An application, which is not signed by the applicant, and is not accompanied by cash, a valid check or a valid credit card for the application fee, shall not be accepted and shall be returned to the applicant.

(c) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration pursuant to Eng 206 on the deficiency issues identified by the board. Any such request shall be made in writing and received by the board within 30 days of the receipt of the notification of denial.

(d) Applications about which there has been no communication by the applicant to the board for one year shall be destroyed.

Eng 302.02 Application for Licensure.

(a) Each applicant for licensure shall provide, or cause to be provided, the following on a form supplied by the board:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's residence and business addresses and telephone numbers;
- (3) The applicant's e-mail address;
- (4) The applicant's date of birth and place of birth;
- (5) The applicant's positions, dates of employment, title, and present address of employer;
- (6) Character of employment including types of work performed and degree of responsibility;
- (7) Name and present address of someone familiar with each position;
- (8) The applicant's educational history including the names of all high school and post-secondary institutions attended, the dates of attendance and degrees awarded and certified copies of transcripts from all post-secondary institutions attended;
- (9) A listing of every state in which the applicant holds or has ever held registration/licensure as a professional engineer;
- (10) Whether the registration/license is now in force and if not, the reasons why it is not in force;

- (11) Whether the applicant has ever lost or been denied registration /licensure as a professional engineer or disciplined by another licensing board in any other state or jurisdiction and if so, an explanation of the circumstances;
- (12) Whether the applicant has ever taken the NCEES Fundamentals of Engineering examination, and if so, the location, date and grade awarded;
- (13) Whether the registration /licensure as a professional engineer was issued by examination and if so, the location, date and grade awarded;
- (14) Whether the applicant has ever been convicted of any felony or misdemeanor that has not been annulled by a court pursuant to RSA 651:5 and, if not annulled, the name of the court in which the conviction occurred, the details of the offense, the date of conviction, and the sentence imposed;
- (15) The names, complete addresses, occupation and business relationship with applicant of 5 references as specified in Eng 303.03;
- (16) A list of current memberships in professional or scientific societies which shall include name of organization, location, grades and dates of memberships and any additional experience information the applicant wishes to provide,
- (17) The applicant's social security number required pursuant to RSA 161- B:11, VI-a; and
- (18) The applicant's signature under penalty of unsworn falsification.

(b) Educational transcripts submitted by each applicant for licensure under the provisions of Eng 303.01 (b) (5) shall be sent directly from the institution to the National Council for Examiners for Engineering and Surveying (NCEES) Credentials Evaluations translation and authentication service, which specializes in evaluating educational credentials for translation and authentication. This translation and authentication shall be then sent from the translation and authentication organization directly to the board office for evaluation by the board.

- (c) Applicants shall pay the application fee specified in Eng 302.04.

Eng 302.03 Application for the Fundamentals of Engineering Examination.

(a) Each applicant for the fundamentals of engineering examination shall provide, or cause to be provided, the following on a form supplied by the board:

- (1) The applicant's name;
- (2) The applicant's residence and school or business addresses;
- (3) The applicant's telephone number;

- (4) The applicant's e-mail address;
  - (5) The applicant's date of birth;
  - (6) The applicant's educational history including the names of all high school and post-secondary institutions attended, and the dates of attendance;
  - (7) Whether the applicant has ever taken the NCEES Fundamentals of Engineering examination, and if so, the location, date and grade awarded; and
  - (8) The applicant's signature under penalty of unsworn falsification.
- (b) Applicants shall pay the application fee specified in Eng 302.04.

Eng 302.04 Application, Examination, and Licensure Fees.

- (a) The application/exam fee for certification as an engineer in training shall be \$150.00.
- (b) The application fee for licensure as a professional engineer shall be \$150.00.
- (c) The fee for examination for licensure as a professional engineer shall be \$225.00.
- (d) The fee for the vertical forces component of the Principles and Practice examination for licensure as a professional engineer shall be \$500.00.
- (e) The fee for the lateral forces component of the Principles and Practice examination for licensure as a professional engineer shall be \$500.00.
- (f) The application fee when applying for licensure by comity/reciprocity with other states shall be \$250.00.
- (g) The certificate of licensure fee for applicants shall be \$50.00.
- (h) The biennial renewal fee shall be \$150.00 for active status and \$30.00 for retired status.
- (i) The reinstatement fee after 12 months shall be the renewal fee plus 20 percent late fee totaling \$510.00.
- (j) The application fee for certificate of authorization for all engineering companies shall be \$100.00 per year.
- (k) The temporary permit fee shall be \$300.00.
- (l) The fee for verification of licensure or certification shall be \$25.00.
- (m) The fee for replacement of a lost or mutilated certificate of licensure shall be \$50.00.

Eng 302.05 Fees. All fees shall be paid in the form of cash, money order, bank draft, credit card or check payable to: "Treasurer, State of New Hampshire" and are non-refundable.

## PART Eng 303 QUALIFICATIONS OF APPLICANTS

### Eng 303.01 Candidate Requirements.

(a) Candidates for licensure shall meet the requirements established by RSA 310-A:12-19 before a license shall be granted. The board shall require that applicants appear for a personal audience with the board if their records of education or experience are unclear, contradictory or incomplete. The board shall also require documentation of the applicant's work products to help determine competency if their records of education or experience are unclear, contradictory or incomplete.

(b) Qualifications shall be determined as follows:

- (1) Applicants possessing a 4-year EAC/ABET degree shall have 4 years engineering experience satisfactory to the board;
- (2) Applicants possessing a 4-year EAC/ABET equivalent, foreign engineering degree which consists of an engineering program which has a successful ABET site visit shall have 4 years engineering experience satisfactory to the board;
- (3) Applicants possessing a degree in a related science and holding a master's degree or higher in engineering from an institution which offers an EAC/ABET 4-year engineering degree accredited program shall have 4 years experience satisfactory to the board. Education per Eng 303.02 (h) shall not be counted towards the 4-year experience requirement;
- (4) Applicants possessing a 4-year degree from non ABET accredited U.S. engineering program shall have 8 years engineering experience satisfactory to the board;
- (5) Applicants possessing a foreign degree having a favorable NCEES Credentials Evaluations which consists of transcript review only shall have 8 years engineering experience satisfactory to the board;
- (6) Applicants possessing a TAC/ABET 4-year degree shall have 8 years engineering experience satisfactory to the board; and
- (7) Applicants possessing any degree other than those set forth per Eng 303.01 (b) (1)-(6), or no degree, shall have 25 years of engineering experience satisfactory

to the board and shall have successfully passed the NCEES Principles and Practices of engineering examination.

Eng 303.02 Experience Requirements. Experience in the practice of engineering shall be determined pursuant to RSA 310-A:12 – 19 as follows:

- (a) Experience shall be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility;
- (b) Only work of an engineering nature shall be credible;
- (c) Experience shall not be obtained in violation of RSA 310-A;
- (d) Experience gained in the armed services, to be creditable, shall be of a character equivalent to that which would have been gained in the civilian sector doing similar work. The applicant while in the armed services shall have served in an engineering or engineering-related group;
- (e) Experience shall be gained under the supervision of a licensed professional engineer or if not, an explanation shall be made showing why the experience should be considered acceptable;
- (f) Teaching experience to be creditable must be of an advanced level in a college or university offering an engineering curriculum of four years or more that is accredited by the ABET accredited program;
- (g) Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum is of an advanced level in a college or university offering an engineering curriculum of four years or more that is accredited by the ABET accredited program shall be creditable;
- (h) Successful completion of graduate study leading to the master's degree in engineering which has followed a baccalaureate degree in engineering may be used for credit for one year's experience. If the Ph.D. in engineering is completed under the same conditions, 2-year's total experience shall be credited. The 2 years credit shall include the one year for the master's degree;
- (i) Experience shall not be anticipated. The experience shall have been received at the time of the application;
- (j) Experience as a contractor in the execution of design by a professional engineer or in employment considered as that of supervising construction of such work shall not be considered as creditable experience; and
- (k) Experience gained in construction to be creditable shall constitute engineering practice as set forth in RSA 310-A:2, III.

Eng 303.03 References Required.

(a) Each applicant for licensure shall provide the board with the names and addresses of at least 5 individuals, who shall provide references, and are not related to the applicant. At least 3 of the references shall be individuals having personal or professional knowledge of the applicant's engineering experience. At least 3 of the references shall be licensed engineers as defined by RSA 310-A:2, II, having detailed knowledge of the applicant's engineering experience.

(b) The board shall use as references any individuals, whose names appear in any part of the completed application.

#### Eng 303.04 Information from References.

(a) Information from references shall be requested by the board on forms provided by the board as follows:

- (1) Applicant's name;
- (2) Reference's name and address, relationship to the applicant, and status as a licensed engineer as defined in RSA 310-A:2, II; and
- (3) A brief description of the reference's knowledge of the applicant's qualifications in the practice of engineering.

(b) The reference shall sign and date the form.

Eng 303.05 Additional References. The board shall require of the applicant the names and addresses of additional references if the original information provided by the references is unclear, incomplete or contradictory.

### PART Eng 304 EXAMINATIONS

#### Eng 304.01 Examination Requirements.

(a) The board shall hold the Fundamentals of Engineering and Principles and Practices of Engineering, national examinations semi-annually in April and October each year on dates set by the National Council of Examiners for Engineering and Surveying.

(b) All applicants for licensure shall have successfully passed the NCEES Fundamentals of Engineering examination unless waived pursuant to (c) and (d) below.

(c) Applicants who meet the education and experience required per RSA 310-A:12, II may request a waiver of the NCEES Fundamentals of Engineering exam, by filing a petition with the board which includes the application specified in Eng 302.02 and the fee as specified in Eng 302.04.

(d) Waivers of the NCEES Fundamentals of Engineering exam shall be granted if the applicant meets the following:

(1) The applicant shall have a Bachelor of Science Degree in an engineering curriculum from an EAC/ABET or other 4-year accredited program in an engineering curriculum; and

(2) The applicant shall have more than 10 years of accumulated engineering experience under the direction of a licensed professional engineer set forth in Eng 303.02 and RSA 310-A:12, II.

(e) All applicants for licensure shall have successfully passed the NCEES Principles and Practice examination and the New Hampshire law and ethics questionnaire.

(f) The law and ethics questionnaire shall consist of a take home examination covering RSA 310-A:2 – 27 and Eng 500.

Eng. 304.02 Re-Examinations.

(a) Candidates failing an examination shall be entitled to re-examination upon payment of an additional examination fee pursuant to Eng 302.04 (a) and (b).

(b) Candidates failing the NCEES principles and practices examination 3 consecutive times shall submit a new application for examination for licensure pursuant to Eng 302.02 before subsequent re-examination shall be granted.

PART Eng 305 RECIPROCITY

Eng 305.01 Reciprocity. Candidates for licensure who are licensed/registered in another state, provided that the other state's licensure/registration requirements are substantially equivalent to or higher than those of this state, shall apply to the board for licensure on a form provided by the board as specified in Eng 302.02 and pay the fee per Eng 302.04 (c). Verification of equivalency shall be determined by verification of the requirements of the state of origin. The verification shall be obtained by the candidate for licensure and submitted to the board directly from the verifying state for approval.

PART Eng 306 ENGINEERING CERTIFICATES FOR BUSINESS ORGANIZATIONS

Eng 306.01 Business Organization Certificate Requirements.

(a) Business organizations offering engineering services in New Hampshire shall meet the requirements established pursuant to RSA 310-A:20.

(b) Persons designated as being responsible for the engineering activities of the business organization shall:

(1) Be licensed as a professional engineer in this state, and;



(2) Be employed by the business organization a minimum of 37.5 hours per week, except in the case of a business organization which is owned by a professional engineer and which business organization is either not actively providing engineering services or consists of a sole practicing professional engineer.

(c) Applicants for a certificate of authorization for a business organization shall provide, or cause to be provided, the following on a form supplied by the board:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's business addresses and telephone numbers;
- (3) Fields of engineering practices engaged in;
- (4) Names and addresses of corporate officers or partners;
- (5) Names and addressees, of person/s responsible for engineering activities and decisions;
- (6) NH license number, and status of person/s responsible for engineering activities and decisions;
- (7) Number of hours employed per week of person/s responsible for engineering activities and decisions;
- (8) Personnel legally authorized to sign contracts for the business organization for engineering services; and
- (9) Applicant's signature under penalty of unsworn falsification.

(d) Applicants shall pay the application fee specified in Eng 302.04.

#### PART Eng 307 TEMPORARY PERMIT

##### Eng 307.01 Temporary Permit.

(a) A person who is eligible to be licensed as a professional engineer in New Hampshire by reciprocity may apply for a temporary permit for a specific project in this state not to exceed 6 months in any one calendar year.

(b) Applicants for temporary permits shall provide, or cause to be provided, the following on a form provided by the board:

- (1) The applicant's name, including any names previously used;
- (2) The applicant's business addresses and telephone numbers;

- (3) State currently licensed in and license number, expiration date;
- (4) Project title, location and brief description of the specific project in the state;
- (5) Applicant's professional engineer stamp of jurisdiction applicant is licensed/ registered in;
- (6) The applicant's positions, dates of employment, title, and present address of employer;
- (7) Character of employment including types of work performed and degree of responsibility;
- (8) Name and present address of someone familiar with each position;
- (9) The applicant's educational history including the names of all high school and post-secondary institutions attended, the dates of attendance and degrees awarded and certified copies of transcripts from all post-secondary institutions attended;
- (10) A listing of every state in which the applicant holds or has ever held registration/licensure as a professional engineer;
- (11) Whether the registration/license is now in force and if not, the reasons why it is not in force;
- (12) Whether the applicant has ever lost or been denied registration /licensure as a professional engineer or disciplined by another licensing board in any other state or jurisdiction and if so, an explanation of the circumstances;
- (13) Whether the applicant has ever taken the NCEES Fundamentals of Engineering examination, and if so, the location, date and grade awarded;
- (14) Whether the registration /licensure as a professional engineer was issued by examination and if so, the location, date and grade awarded;
- (15) Whether the applicant has ever been convicted of any felony or any misdemeanor, or a violation involving engineering or the practice of professional engineering and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;
- (16) The names, complete addresses, occupation and business relationship with applicant of 5 references as specified in Eng 303.03;

(17) A list of current memberships in professional or scientific societies, including name of organization, location, grades and dates of memberships and any additional experience information the applicant wishes to provide, and

(18) Applicant's signature under penalty of unsworn falsification.

(c) Applicants shall submit the application fee specified in Eng 302.04.

(d) Temporary permits shall be granted if the board determines that the applicant meets or exceeds the requirements of Eng 303.01, 303.02, and 304.01.

## PART Eng 308 CREDENTIALS

Eng 308.01 License. An applicant for licensure as a professional engineer, who has met satisfactorily all the requirements of RSA 310-A:2-27 and who has paid all of the fees, shall be issued a license by the board. The licensee shall be issued a license authorizing the practice of engineering that shall show the name of the licensee, shall have a serial number, and shall be sealed and signed by the chairperson and secretary of the board.

Eng 308.02 Pocket Cards. Biennially, the board shall issue a pocket card upon receipt of the biennial renewal form and fee. The card shall certify that the engineer holds a license in good standing and is authorized to practice engineering to the date of expiration as shown on the card.

### Eng 308.03 Licensed Engineer Seal/Stamp.

(a) The board shall upon issuance of a license to an applicant as a licensed engineer, require the licensee to acquire an impression type seal or rubber stamp of the design specified by these rules. This seal shall bear the licensee's name and number as shown on the license. This seal may be affixed on all plans, maps, and reports prepared by the licensee, but shall be affixed to all documents issued or filed for public record.

(b) The seal shall consist of 2 concentric circles with the outer circle having a diameter of 1-9/16 inches and the inner circle diameter 15/16 of an inch. In the space between the circles at the top shall be the words "State of New Hampshire" and at the bottom "Professional Engineer." In the space inside the inner circle shall be the full name of the licensee and the license number written horizontally. At the bottom of the inner circle shall be the word "Licensed."

(c) It shall be a violation of these rules for the licensee to stamp or seal any documents with his/her seal after his/her license has expired, revoked or suspended or after the licensee has chosen retired status. It shall be a violation of these rules for the licensee to stamp or seal any documents not prepared by him or her personally or under his/her direct supervision.

## CHAPTER Eng 400 CONTINUED STATUS

### PART Eng 401 RENEWAL OF LICENSE

Eng 401.01 Expirations and Renewals. Pursuant to RSA 310-A:21, licenses shall

be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The board shall notify each engineer one month prior to expiration of his license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board. If an engineer is 70 years or older and has held an engineering license continuously for the 10-year period immediately proceeding the renewal, he shall be renewed with no fee required.

Eng 401.02 Renewal of License. Any licensee wishing to renew a license shall submit:

- (a) The renewal application supplied by the board;
- (b) The fee specified in Eng 302.04.
- (c) If the renewal is not received by the date of expiration, a late fee of 20 percent per month; and
- (d) Proof of completion of the continuing professional development requirements of Eng 403.

Eng 401.03 Renewal Application. The applicant shall supply the following information on the application form for license renewal:

- (a) The applicant's full name;
- (b) The applicant's business address and telephone number;
- (c) The applicant's home address and telephone number;
- (d) A statement indicating that the applicant has complied with the continuing education requirements of Eng 403;
- (e) A statement indicating any disciplinary or legal action brought against the applicant for his/her services as a professional engineer;
- (f) A statement indicating that the applicant has adhered to the ethical and professional standards of Eng 500;
- (g) Acknowledgment that the provision of materially false information in the application knowingly provided is a basis for denial;
- (h) Acknowledgement that, if the applicant provided false information that is discovered after the license is renewed, is a basis for disciplinary action by the board; and
- (i) The applicant's signature and date.

Eng 401.04 Denial of Renewal.

(a) Renewal applicants shall be investigated for the purpose of verifying all application materials.

(b) The board shall notify the applicant of any deficiencies in the renewal application within 60 days of receipt. Failure to remedy the deficiencies within 60 days thereafter shall result in denial of the renewal application. An application shall be considered complete when all deficiencies are corrected.

(c) Renewal shall be denied if, after notice and an opportunity for hearing, there is a finding of:

- (1) Noncompliance with the continuing education requirements of Eng 403;
- (2) Any unethical act for which discipline shall be imposed under Eng 500;
- (3) Reasons for which an initial application would have been denied; or
- (4) Failure to furnish complete or accurate information on a renewal license application.

Eng 401.05 Reinstatement. A professional engineer whose license to practice engineering in this state has been allowed to lapse for a period of 12 months or more shall:

(a) File a reinstatement application with the board that shall include at least the following:

- (1) The applicant's full name;
- (2) The applicant's business address and telephone number;
- (3) The applicant's home address and telephone number;
- (4) Documentation that the applicant has complied with the continuing education requirements of Eng 403;
- (5) A statement indicating any disciplinary or legal action brought against the applicant for his/her services as a professional engineer;
- (6) A statement indicating that the applicant has adhered to the ethical and professional standards of Eng 500;
- (7) A representation that the applicant acknowledges that the provision of false information in the application is a basis for disciplinary action by the board;

(8) The names, complete addresses, occupation and business relationship with applicant of 3 references from licensed professional engineers as defined by RSA 310-A:2, II; and

(9) The applicant's signature and date.

(b) Applicants shall submit the application and reinstatement fees as specified in Eng 302.04.

Eng 401.06 Certificate of Authorization Renewal. Certification of authorization for the practice of engineering shall expire on December 31 each year. A renewal notification shall be sent to all engineering certified business organizations at least one month prior to expiration.

Eng 401.07 Certificate of Authorization Renewal Application.

(a) Each applicant for renewal of the certificate of authorization renewal shall provide, or cause to be provided, the following on a form supplied by the board:

- (1) Complete name and address of the business organization;
- (2) The applicant's business addresses and telephone numbers;
- (3) Fields of engineering practices engaged in;
- (4) Names and addresses of corporate officers or partners;
- (5) Names and addressees, of person responsible for engineering activities and decisions;
- (6) NH license number, and status of person responsible for engineering activities and decisions;
- (7) Number of hours employed per week of person/s responsible for engineering activities and decisions;
- (8) Personnel legally authorized to sign contracts for the business organization for engineering services; and
- (9) Applicant's signature under penalty of unsworn falsification.

(b) The completed form shall be submitted to the board office with the fee pursuant to Eng 302.04 (j).

## PART Eng 402 DISCIPLINARY MATTERS

Eng 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, when warranted,

in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

Eng 402.02 Disciplinary Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions only:

- (1) After prior notice and an opportunity to be heard; or
- (2) Pursuant to a mutually agreed upon settlement or consent decree.

(b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, the board shall issue an order providing the opportunity for a hearing and directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.

(c) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction the certificate holder shall be subject to any disciplinary sanction authorized by RSA 310-A:23 after considering the presence of aggravating or mitigating circumstances.

(d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:23.

(e) The board shall determine the sanctions to be imposed after considering the presence of aggravating or mitigating circumstances as specified in Eng 402.02 (f) and (g).

(f) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) The licensee's prior disciplinary record;
- (3) Lack of willingness to cooperate with the board;
- (4) Potential harm to public health and safety; and
- (5) The purpose of the rule or statute violated.

(g) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) Willingness to cooperate with the board;
- (3) Acknowledgment of his or her wrongdoing; and

(4) The purpose of the rule or statute violated.

(h) No hearing date established in a proceeding conducted under Eng 402.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period pending issuance of the board's final decision.

(i) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law, or which have a legitimate professional interest in the decision and may receive notice consistent with applicable state or federal law.

Eng 402.03 Civil Penalties.

(a) Adjudicative procedures seeking the assessment of a civil penalty shall be commenced against any person subject to such penalties under any provision of RSA 310-A when the board possesses evidence indicating that a violation has occurred.

(b) When persons subject to the board's disciplinary authority are directed to pay civil penalties in accordance with Eng 402.02, such penalties shall be assessed in accordance with the factors stated in Eng 402.02 (f) and (g) and the following additional considerations:

- (1) The cost of any investigation or hearing conducted by the board; and
- (2) The licensee's ability to pay a civil penalty assessed by the board.

(c) Civil penalties shall not exceed the following amounts:

- (1) When no violation of the same type has occurred within the 5 years preceding the board's notice to the respondent, the penalty assessed shall not exceed \$200.00 per day or \$1,000.00 per offense whichever is greater;
- (2) When a single disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the penalty assessed shall not exceed \$200.00 per day or \$1,500.00 per offense whichever is greater; and
- (3) When more than one disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent the penalty assessed shall not exceed \$200.00 per day or \$2,000.00 per offense whichever is greater.

(d) In the case of continuing violations, a separate penalty shall be assessed for each day the violation continues.

(e) A single course of continuing conduct shall be treated as a single violation for purposes of Eng 402.03 (c).



Eng 402.04 Procedures for Assessing and Collecting Civil Penalties.

(a) Payment of a civil penalty shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.

(b) In cases where the board initially intends to limit disciplinary sanctions to a civil penalty, the board shall issue a “notice of apparent liability” describing the alleged offense, stating the amount of the assessed penalty, and notifying the alleged offender that he or she shall pay the penalty by a certain date or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board’s disciplinary options shall not be limited to the assessment of a civil penalty.

(c) Nonpayment of a civil penalty by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be grounds for discipline by the board and a basis for judicial action seeking to collect the penalty.

PART Eng 403 CONTINUING PROFESSIONAL DEVELOPMENT

Eng 403.01 Renewal Requirements

(a) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that he/she has completed the minimum required hours of approved professional development hours required by 403.01(b) and lists the specific basis for each credit.

(b) Each licensee shall obtain at least 30 professional development hours of approved continuing education courses during the biennial renewal period as a condition of license renewal.

(c) If a licensee exceeds the requirement, a maximum of 15 professional development hours may be carried forward into the subsequent renewal period.

Eng 403.02 Continuing Professional Development Requirements for New Licensees  
New licensees shall be exempt from obtaining professional development hours for their first biennial renewal period.

Eng 403.03 Requirements for Reciprocity Licensees who are residents of jurisdictions other than New Hampshire shall meet the continuing professional development or equivalent requirements of their resident jurisdiction. The requirements for the State of New Hampshire shall be satisfied when a non-resident licensee provides evidence of having met the requirements of their resident jurisdiction. If licensees reside in a jurisdiction that has no

continuing professional development requirements, the resident shall meet the requirements of the State of New Hampshire.

Eng 403.04 Reinstatement. An applicant may bring an inactive license to active status by obtaining the professional development hours required pursuant to Eng 403.01 (b) and payment of any and all outstanding renewal and reinstatement fees as specified in Eng 302.04.

Eng 403.05 Professional Development Hour Requirements. Professional development hours shall meet the following criteria:

- (a) Continuing education activities shall be relevant to the practice of engineering or no credit shall be awarded. Such continuing education activities may include technical, ethical, or managerial content;
- (b) The content of each presentation shall be well organized and presented in a sequential manner; and
- (c) There is a provision for individual participant course/program registration including information required for record keeping and reporting.

Eng 403.06 Professional Development Hour Credits Professional development hours shall be credited as follows:

- (a) A maximum of 6 professional development hours shall apply to activity on a state or national board of licensure;
- (b) Courses/programs awarded one college semester hour of credit shall equal 45 professional development hours based on course credit established by the college or university;
- (c) Courses/programs awarded one college quarter hour shall equal 30 professional development hours;
- (d) Courses/programs awarded one continuing education unit shall equal 10 professional development hours;
- (e) Credit shall be awarded for one hour of professional development in course work, seminars, or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings shall earn professional development hour units for the actual time of each program;
- (f) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings shall earn professional development hours credit at twice that of participants. Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching credit shall not apply to full-time faculty;

(g) Each published article for a trade journal shall equal 2 professional development hours;

(h) Each published professional journal, article or published engineering text book shall equal 30 professional development hours;

(i) Active participation in professional or technical societies shall equal 2 professional development hours and shall require that a registrant serve as an officer and/or actively participate in a committee of the organization. Professional development hour credits shall not be earned until each year service is completed and shall be limited to 2 professional development hours per organization;

(j) Credit awarded for one patent shall equal 10 professional development hours; and

(k) Professional development credits shall not be recognized for any repeat program attended or completed.

Eng 403.07 Record Keeping.

(a) The responsibility of maintaining records to be used to support credits claimed shall be the responsibility of the licensee.

(b) Records required shall contain at least the following documentation:

- (1) A log showing the type of activity claimed, sponsoring organization, location, instructor's or speaker's name, and professional development hours credits earned; and
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance such as:

- (a) Signed attendance receipts;
- (b) Paid receipts and course agenda; or
- (c) A copy of a listing of attendees signed by a person sponsoring the course or program or the course/program provider.

(c) The licensee shall retain attendance verification records for a period of at least 4 years. Such documentation shall be made available to the board for random audit and/or verification purposes. Documentation shall support professional development hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.

(d) Not less than 3% of the licensees shall be randomly selected each year by the board for compliance with Eng. 403.01.

Eng 403.08 Exemptions A licensee shall be exempt from the professional development educational requirements for any of the following reasons:

(a) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year; and

(b) Licensees who list their occupation as “retired” on the board approved renewal form and who further certify that they are no longer providing professional engineering services shall be exempt from the professional development hours required.

Eng 403.09 Waiver of Professional Development Hours Deadline.

(a) A licensee may request a waiver of professional development hour deadlines.

(b) A waiver shall be granted provided the waiver petition meets the following criteria:

(1) A petition requesting a waiver shall be filed at least 30 days before the expiration of the biennial continuing education period in question;

(2) Late filing shall be justified by a showing of good cause that includes serious accident, illness or other circumstances beyond the control of the licensee which actually prevents the licensee from satisfying the continuing education requirements;

(3) Relevant supporting documentation from the licensee’s physician or medical professional shall be furnished to the board when necessary for a fair and informed determination by the board; and

(4) A waiver petition shall include a specific timetable for completing specific courses, which will meet the petitioner’s continuing education unit deficiency.

Eng 403.10 Noncompliance. Failure to submit documentation required per Eng 403.07 (b) and (c) which establishes that said requirements were so completed, shall after notice and opportunity for hearing, result in disciplinary action including license suspension or revocation unless a waiver petition has been timely filed and duly granted by the board.

## CHAPTER Eng 500 ETHICAL STANDARDS AND LICENSE SURRENDER

### PART Eng 501 ETHICAL STANDARDS

Eng 501.01 Purpose and Scope.

(a) In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills and practice in the profession of engineering the following rules of professional conduct are promulgated in accordance with RSA 310-A.

(b) These rules shall be binding upon every person holding a license as a professional engineer and on all persons, corporations or other legal entities authorized to perform engineering in this state.

#### Eng 501.02 Obligation To Obey

(a) Violation of these ethical standards shall result in disciplinary sanctions. Conduct proscribed by these ethical standards, when performed by an Engineer-In-Training or a candidate for licensure as a professional engineer in this state, or during a prior period of licensure, shall result in denying a license application.

(b) All persons licensed under RSA 310-A shall be considered to have knowledge of the existence of these rules of professional conduct, and shall be deemed to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of professional engineering is a privilege, as opposed to a right, and the licensed professional engineer shall be forthright and candid in the licensee's statements or written response to the board or its representatives on matters pertaining to professional conduct.

(c) Licensees shall submit only truthful and correct information in any application or other document filed with or statement made to the board.

(d) Licensees shall inform the board of a principal business/home address to which all official board communications should be directed, and also of all addresses where he/she is practicing. The establishment of a business/home address or the change or abandonment of a business/home address shall be reported to the board within 30 days.

#### Eng 501.03 Standards of Conduct

(a) The professional engineer shall hold paramount the safety, health and welfare of the public as follows:

- (1) Perform his/her services only in areas of his/her competence;
- (2) Issue statements only in an objective and truthful manner;
- (3) Act for each employer or client as faithful agents or trustees;
- (4) Avoid deceptive acts;
- (5) Conduct themselves ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession;

(6) Undertake to perform engineering assignments only when qualified by education or experience in the specific technical field of professional engineering involved;

(7) Accept an assignment requiring education or experience outside of his/her own field of competence, but only to the extent that his/her services are restricted to those phases of the project in which he/she is qualified. All other phases of such project shall be performed by qualified associates, consultants or employees;

(8) Not affix his/her signature or seal to any engineering plan or document dealing with subject matter for which he/she lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his/her direct supervisory control;

(9) Exercise direct supervisory control, which requires a licensee to maintain responsible charge which includes:

- a. Providing all client contracts;
- b. Internal and external financial control; and
- c. Overseeing employee training;

(10) Exercise control and supervision over all jobs requirements which includes:

- a. Research;
- b. Planning;
- c. Design;
- d. Field supervision; and
- e. Work product review;

(11) Not delegate responsible charge or direct supervisory control to a non-licensed individual to provide professional services as specified in Eng 501.03 (a) (9); and

(12) May affix his/her seal and signature to drawings and documents depicting the work of 2 or more professionals provided he/she designates by a note under his/her seal the specific subject matter for which he/she is responsible.

(b) The professional engineer shall issue public statements only in an objective and truthful manner; as follows:

- (1) Be objective and truthful in all professional reports, statements, or testimony and include all relevant and pertinent information in such reports, statements or testimony;
  - (2) When serving as an expert or technical witness before any court, commission, or other tribunal, express an expert opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony;
  - (3) Issue no statements, criticisms, or arguments on engineering issues connected with public policy which are influenced or paid for by an interested party, or parties, unless he/she has prefaced his/her comment by explicitly identifying him/herself by disclosing the identities of the party or parties on whose behalf he/she is speaking, and by revealing the existence of any pecuniary interest he/she may have in the instant matters;
  - (4) Not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer nor shall he/she indiscriminately criticize another engineer in public; and
  - (5) If he/she believes that another engineer is guilty of misconduct or illegal practice, he shall present such information to the board.
- (c) The professional engineer shall avoid conflicts of interest; as follows:
- (1) Promptly inform his employer or client of any business associations, interests, or circumstances, which could influence his/her judgment, or the quality of his/her services;
  - (2) Not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties;
  - (3) Not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;
  - (4) Not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his/her client or employer in connection with work for which he/she is responsible;
  - (5) When in public service as a member, advisor, or employee of a governmental body or department, not participate in considerations or actions with respect to services provided by him/her or his/her organization in private engineering practices; and

(6) Not solicit or accept an engineering contract from a governmental body on which a principal or officer of his/her organization serves as a member.

(d) The professional engineer shall solicit or accept work only on the basis of his/her qualifications; as follows:

- (1) Not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies;
- (2) Shall compete for employment on the basis of professional qualification and competence to perform the work;
- (3) Not solicit or submit proposals for professional services containing false, fraudulent, misleading, deceptive or unfair statement or claim regarding the cost, quality or extent of services to be rendered;
- (4) Not falsify or permit misrepresentation of his/her, or his/her employees or co-worker's, academic or professional qualifications;
- (5) Not misrepresent his/her degree of responsibility in or for the subject matter of prior assignments; and
- (6) Not distribute brochures or other presentations incident to the solicitation of employment which shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his/her or their past accomplishments with the intent and purpose of enhancing his/her qualifications and his/her work.

(e) The professional engineer shall perform his/her services in an ethical and lawful manner; as follows:

- (1) Not knowingly associate with or permit the use of his/her name or firm name in a business venture by any person or firm which he/she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature;
- (2) If he/she has knowledge or reason to believe that another person or firm may be in violation of any of these provision or provisions of RSA 310-A, present such information to the board in writing and cooperate with the board in furnishing such further information or assistance as may be required by the board; and
- (3) Cooperate with investigations and requests for information from the board and the boards' representatives.

## PART Eng 502 VOLUNTARY LICENSE SURRENDER



Eng 502.01 Procedure for Surrendering a License Any person holding a license may voluntarily surrender that license by returning it to the board accompanied by a signed letter stating that he/she intends to surrender his/her license.

Eng 502.02 Effect of Voluntary License Surrender.

(a) A licensee who voluntarily surrenders a license shall retain no right or privilege to practice professional engineering in New Hampshire except as may be specifically set forth in a board order or settlement agreement authorizing the voluntary surrender. Unless otherwise provided by the board, a licensee who reapplies for licensure in New Hampshire after a voluntary surrender shall have the burden of proving compliance with all of the requirements then in effect for new applicants, including professional character requirements.

(b) Surrender or non-renewal of a license shall not preclude the board from investigating or completing a disciplinary proceeding based upon the licensee's professional conduct while the license was still in effect. Such investigations and proceedings shall be handled in the same manner as other disciplinary investigations and proceedings.

Eng 502.03 Voluntary Surrender When Misconduct Allegations are Pending.

(a) A licensee who wishes to surrender his/her license as part of a settlement of pending misconduct allegations shall make a written settlement offer to the board before the close of the record in a disciplinary hearing.

(b) Any settlement agreement reached under (a), above, shall include the following concessions:

- (1) That the license surrender has occurred in settlement of pending disciplinary charges; and
- (2) That the pending disciplinary allegations shall be issues to be resolved in any future application the licensee may submit in New Hampshire.

(c) The board shall decline to accept a settlement agreement under (a), above, if the board believes the licensee has unreasonably declined to disclose material information concerning the alleged misconduct or has refused to stipulate to the truth of specific material facts concerning the alleged misconduct which would be necessary to protect the public interest in the event the licensee subsequently reapplies for a license.

(d) A licensee's stipulation of facts shall be exempt from public disclosure to the extent permitted by RSA 91-A and if the public portion of the settlement agreement or surrender document expressly states that a separate, confidential stipulation of facts is on file with the board.

(e) The fact of license surrender and the terms of any settlement agreement pertaining thereto shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision containing specific finding of professional misconduct.